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7 *Attorney for City of Henderson*

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In Re:

THE RHODES COMPANIES,
aka "Rhodes Homes, *et al.*,"¹

Debtors

CASE NO. BK-S-09-14814-LBR
(Jointly Administered)

Chapter 11

AFFIDAVIT OF

ROBERT A. MURNANE

Affects:

- ☒ All Debtors
☐ Affects the Following Debtor(s)

Hearing Date: January 8, 2013
Hearing Time: 2:30 p.m.

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 5. Under the Commerce Agreement, Commerce and City agreed upon a \$934,000.00
 2 fee in connection with Phase 3 drainage facilities, such fee to be made by Commerce, on behalf of
 3 Tuscany, to City in two installments of \$467,000.00 (the "Fee"), each due and payable in 2005.
 4 To date, the Fee has not been paid in whole or in part.

5 6. At the time when the Commerce Agreement was signed, the parties anticipated the
 6 development of Tuscany would soon thereafter require the Phase 3 water improvements. The
 7 economic downturn, however, delayed the development of Tuscany and, as a result, the Fee was
 8 not needed at the time initially anticipated. Now, development has continued and Reorganized
 9 Debtors are seeking from City approvals that require the Phase 3 water improvements.

10 7. On or about September 11, 2013, Reorganized Debtors submitted to City certain
 11 maps for approval in conjunction with its development of Tuscany. On October 4, 2013, City
 12 advised Reorganized Debtors that final approval of the maps will be held until the Fee associated
 13 with the Phase 3 construction of the drainage facilities has been paid pursuant to the Commerce
 14 Agreement.

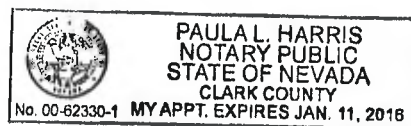
15 FURTHER AFFIANT SAYETH NAUGHT.

16 Dated this 16 day of December, 2013.

17 
 Robert A. Murnane

18 SUBSCRIBED and SWORN to before me this 16 day of December, 2013, by
 19 Robert A. Murnane

20 
 21 NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December 2013, I caused to be filed and served through the Bankruptcy Court's ECF system, a true and correct copy of the foregoing AFFIDAVIT OF ROBERT A. MURNANE, to:

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on behalf of Creditor HARSCH
INVESTMENT PROPERTIES - NEVADA,
LLC

F/KA MERRILL LYNCH B OF A ML
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BY AND THROUGH ITS REGISTERED
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DEAN S. BENNETT
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9	CT CORPORATION	AGENT
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25	on behalf of Creditor STEERING	
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 25 MASTEC NORTH AMERICA INC
 26 C/O MICHELE LAINE, ESQ
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 6 AGENT
 7 CORPORATION TRUST COMPANY OF
 8 NEVADA
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 23 NEVADA
 24 BY AND THROUGH ITS REGISTERED
 25 AGENT
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26 THE LANDSCAPE CONNECTION TLC
 27 INC
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 ASSOCIATION, INC.
 C/O FEINBERG GRANT MAYFIELD
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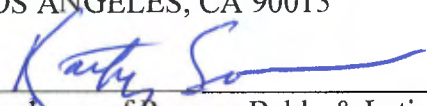
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 BY & THRU ITS REGISTERED AGENT:
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 Employee of Parsons Behle & Latimer

[illegible]

[illegible]

printout for Tuscany parcels

[illegible]

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printout for Tuscany parcels

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Clark County Recorder's
printout for Tuscany parcels

113-201	Tuscany Acquisitions IV LLC	Commerce Associates	9/27/2007 20070927:04264	Tuscany Parcel 6A
113-202	Tuscany Acquisitions IV LLC	Commerce Associates	9/27/2007 20070927:04264	Tuscany Parcel 6A
113-203	Tuscany Acquisitions IV LLC	Commerce Associates	9/27/2007 20070927:04264	Tuscany Parcel 6A
113-204	Tuscany Acquisitions IV LLC	Commerce Associates	9/27/2007 20070927:04264	Tuscany Parcel 6A
113-205	Tuscany Acquisitions IV LLC	Commerce Associates	9/27/2007 20070927:04264	Tuscany Parcel 6A
113-206	Greystone Nevada, LLC	Commerce Associates	12/21/2012 20121221:03830	Tuscany Parcel 6A
113-207	Greystone Nevada, LLC	Commerce Associates	12/21/2012 20121221:03830	Tuscany Parcel 6A
113-208	Greystone Nevada, LLC	Commerce Associates	12/21/2012 20121221:03830	Tuscany Parcel 6A
113-213	Greystone Nevada, LLC	Commerce Associates	12/21/2012 20121221:03830	Tuscany Parcel 6A
410-001	Tuscany Acquisitions LLC	Commerce Associates	3/31/2005 20050331:06922	Tuscany Phase 2